



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.R.C.No.655 of 2015
and
M.P.No.1 of 2015

G.Jayavijayakumar

...Petitioner/Respondent

Vs.

K.Chandra

...Respondent/Petitioner

PRAYER: Criminal Revision Petition has been filed under Sections 397 and 401 of Cr.P.C, prayed to set aside the order dated 07.04.2015 passed in M.C.No.133 of 2013 on the file of the learned Additional Principal Judge, Coimbatore.

For Petitioner : Ms.Valarmathi
for M/s.J.Franklin

For Respondent : Mr.N.Karthikeyan

O R D E R

This Criminal Revision Petition has been filed seeking to set aside the order dated 07.04.2015 passed in M.C.No.133 of 2013 on the file of the learned Additional Principal Judge, Coimbatore.

2. The facts of the case is that the petitioner is the husband of the respondent-complainant and the marriage was performed between them on 07.02.1988. It is alleged that since their marriage, the petitioner used to drink alcohol and entering the house at late night and beat the respondent. Due to the wedlock, one female child and one male child were born to them. After they became major, the petitioner and the respondent performed the marriage of their daughter. After the marriage of their daughter, it is claimed that the activities of the petitioner never changed and he has become alcohol addict and used to come with a drunken mood and attacked the respondent-complainant, thereby the respondent-complainant left the matrimonial home and stayed along with her family. It is alleged that the petitioner fell in love with another lady and spending



huge money to her. Subsequently on 04.08.2013, the petitioner with a drunken mood came and assaulted the respondent-complainant thereby the respondent sustained injuries and admitted in the hospital and thereafter she went to her parents house. Since the respondent-complainant unable to maintain herself, she filed a maintenance petition before the Family Court, Coimbatore in M.C.No.133 of 2013 claiming maintenance for a sum of Rs.10,000/- and the same was awarded in favour of the respondent-complainant. Aggrieved by the said order of the Trial Court, the present revision petition has been filed before this Court.

3. Ms.Valarmathi, learned counsel appearing for the petitioner would submit that the relationship of the petitioner and the respondent is not in dispute. Admittedly, the children born out of their wedlock became majors. Thereafter, there was a dispute between them, in which the petitioner had filed a petition for restitution of conjugal rights before the Sub Court, Udhamandalam in H.M.O.P.No.103 of 2013, which is pending for trial. As a counter blast, the respondent-complainant has filed a petition for maintenance against the petitioner in I.A.No.111 of 2013 in H.M.O.P.No.103 of 2013, which is also pending. Further, the learned counsel submitted that after deducting loan amount, which was obtained for his daughter's marriage, the petitioner is receiving only Rs.6,000/- as salary and subsequently he retired from service. Hence, the amount awarded by the Trial Court is exorbitant and hence, she prayed for allowing the petition.

4. The learned counsel appearing for the respondent-complainant would submit that though the children born out of their wedlock became major, the respondent is not claiming towards children's maintenance and the maintenance application was filed only for her survival. Further, the respondent is living with her married daughter and the daughter is taking care of her mother. Considering the cost of living, the maintenance amount of Rs.10,000/- awarded by the Trial Court is very reasonable and hence, he prayed for dismissal of the petition.

5. Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondent.

6. The relationship of the petitioner and the respondent is not in dispute. Admittedly, the respondent-complainant is living with her married daughter that also not in dispute and the petitioner has to necessarily maintain his wife and the children. There is no necessity for the petitioner to maintain the children after they become major. However, it is the duty cast upon the petitioner to maintain his wife in terms of Section 125 of Cr.P.C. Further, it is represented that the



petitioner had retired from service. The maintenance amount of Rs.10,000/- awarded by the Trial Court is just and reasonable. Considering the present cost of living, I do not find any error in the order passed by the Trial Court.

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7. Accordingly, this Criminal Revision Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Additional Principal Judge,
Coimbatore.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.N.Karthikeyan, Advocate, S.R.No.39615

Cr1.R.C.No.655 of 2015
and
M.P.No.1 of 2015

PVS[co]
NSK 24/09/2021